

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**AFFYMETRIX, INC., a Delaware Corporation,**

**Plaintiff/Counter-Defendant,**

**vs.**

**ILLUMINA, INC., a Delaware Corporation,**

**Defendant/Counter-Plaintiff.**

**Civil Action No. 04-901-JJF**

**STIPULATION AND ORDER TO AMEND PROTECTIVE ORDER**

IT IS HEREBY STIPULATED AND AGREED, subject to the approval and order of the Court, that the July 28, 2005 Protective Order is amended as follows:

**4. Disclosure of Designated Information**

4.1 Documents or information designated Confidential shall be disclosed by the recipient thereof only to:

a. all Authorized Counsel and such counsel's support staff, legal assistants, and clerical personnel who are working on this action and need to have access to such information for the purposes of this action only. The term "Authorized Counsel" shall be limited to: (i) Morris, Nichols, Arsht & Tunnell; (ii) the Affymetrix Litigation Unit; (iii) Morris James LLP; (4) Kirkland & Ellis LLP; and (v) Foley & Lardner LLP. Although "Authorized Counsel" shall be limited to the above lawyers, the parties reserve the right to request permission to amend this Protective Order to include additional attorneys as "Authorized Counsel," and the parties agree that such permission shall not be unreasonably withheld;

All other provisions set forth in the Court's July 28, 2005 Protective Order shall remain in full force and effect.

/s/ Maryellen Noreika  
Maryellen Noreika (I.D. No. 3208)  
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*Counsel for Defendant  
Illumina, Inc.*

SO ORDERED this 21 day of August, 2007.

Joseph J. Farnan, Jr.  
Joseph J. Farnan, Jr.